

PATENT COOPERATION TREATY

From the INTERNATIONAL SEARCHING AUTHORITY

To:
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PCT

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

Date of mailing (date/month/year)	01 March 2005 (01-03-2005)
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Applicant's or agent's file reference
703382 PCT

FOR FURTHER ACTION
 See paragraph 2 below

International application n^o
PCT/CA2004/001623

International filing date (date/month/year)
 15 September 2004 (15-09-2004)

Priority date (date/month/year)
 15 September 2003 (15-09-2003)

International Patent Classification (IPC) or both national classification and IPC
F 16H 48/04 B21J 5/02 B21K 1/26

Applicant **TESMA INTERNATIONAL INC. ET AL**

1. This opinion contains indications relating to the following items :

- | | | |
|-------------------------------------|--------------|--|
| <input checked="" type="checkbox"/> | Box No. I | Basis of the opinion |
| <input type="checkbox"/> | Box No. II | Priority |
| <input type="checkbox"/> | Box No. III | Non-establishment of opinion with regard to novelty, inventive step and industrial applicability |
| <input type="checkbox"/> | Box No. IV | Lack of unity of invention |
| <input checked="" type="checkbox"/> | Box No. V | Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement |
| <input type="checkbox"/> | Box No. VI | Certain documents cited |
| <input checked="" type="checkbox"/> | Box No. VII | Certain defects in the international application |
| <input type="checkbox"/> | Box No. VIII | Certain observations on the international application |

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/CA
 Commissioner of Patents
 Canadian Patent Office
 Box PCT, Ottawa/Gatineau K1A 0C9

Authorized officer

B.A. Dmochowski (819) 997-2798

Facsimile No. (819) 953-9538

Box No. I **Basis of this opinion**

1. With regard to the **language**, this opinion has been established on the basis of the international application in the language which it was filed, unless otherwise indicated under this item.

- ☐ This opinion has been established on the basis of a translation from the original language into the following language __, which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).

2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of :

a. type of material

- ☐ a sequence listing
☐ table(s) related to the sequence listing

b. format of material

- ☐ in written format
☐ in computer readable form

c. time of filing/furnishing

- ☐ contained in the international application as filed.
☐ filed together with the international application in computer readable form.
☐ furnished subsequently to this Authority for the purposes of search.

3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.

4. Additional comments :

Box No. V reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	1 to 22	YES
	Claims		NO
Inventive step (IS)	Claims		YES
	Claims	1 to 22	NO
Industrial applicability (IA)	Claims	1 to 22	YES
	Claims		NO

2. Citations and explanations :

Claims 1 to 22 lack inventive step under the PCT Article 33(3) as being obvious.

The method claims 14 to 22 are obvious with regard to the Kent's Mechanical Handbook, Section 20 - Plastic Working of Metals and in view of Bell et al and Yoshimura.

The Kent's Mechanical Handbook, Section 20, Chapter 7, describes different methods of die forming and machining metals.

There is no inventive step in assembling well known differential as described by Bell et al because the functions and uses of applicant's alleged invention are unaffected by their union and the method steps of uniting them are known. Yoshimura discloses a method of producing alloy wheels and in fig. 14 there is an example of a die formed element comprising a cup shaped body, a hub portion, a flange and a central bore. The central bore and the hub portion are machined.

Claims 1 to 13 are obvious with regard to Bell et al, Yoshimura and Kent. Bell et al disclose a differential assembly disposed in a differential housing. The differential assembly includes at least one pinion shaft (24), at least one pair of bevel pinions (26), at least one pair of bevel gears (54), a ring gear and a lubrication system (16, 60).

The choice of the "die formed housing having spherical inner volume" and other shape related features does not provide a patentable difference over the teachings of Kent and Yoshimura.

Box No. VII Certain defects in the international application

The following defects in the form or contents of the international application have been noted :

In claim 4 there is cited "a cylindrical flange (112)" , and in claim 5 "a spherical inner portion (112)".